

requirements and regulations applicable to such certificates, the certificate of privilege issued to such repacking shipper may be suspended or, in the case of an application for the issuance of an initial certificate of privilege, may be denied. Such suspension of a certificate shall be for a reasonable period of time as determined by the committee, but in no event shall it extend beyond the end of the then current fiscal period. In the case of the denial of an application for the issuance of an initial certificate, such certificate shall be denied until the applicant comes into compliance with the requirements and regulations applicable to such certificates. Prior to suspending or denying an application for a certificate of privilege, the committee shall give the shipper or applicant an opportunity, either orally or in writing, to present opposing facts and reasons. The shipper or applicant shall be informed of the committee's determination in writing and in a timely manner.

[59 FR 48783, Sept. 23, 1994]

**§905.163 Reports of shipments under repacking certificate of privilege.**

(a) Each repacking shipper who handles citrus fruit under a repacking certificate of privilege shall supply the committee with reports on each shipment as requested by the committee, on a Report of Shipments Under Certificate of Privilege form supplied by the committee, showing the name and address of the repacking shipper; name and address of the handler supplying the inspected and certified citrus fruit for such shipment; number of packages; size and containers; brand; grade; certificate number; and any other information deemed necessary by the committee. Each repacking shipper of citrus fruit shall maintain on file a copy

of the Federal-State manifest that certifies the grade and amount of each load of citrus fruit received. These manifests shall be readily available to the committee upon request.

(b) One copy of the Report of Shipments Under Certificate of Privilege form on each shipment shall be forwarded to the committee promptly, one copy of such form shall be retained by the repacking shipper, and one copy of such form shall accompany the shipment. Failure to complete and return such form shall be cause for suspension of the repacking shippers repacking certificate of privilege.

[59 FR 48783, Sept. 23, 1994]

**Subpart—Assessment Rates**

**§905.235 Assessment rate.**

On and after August 1, 1996, an assessment rate of \$0.0035 per  $\frac{4}{5}$  bushel carton is established for assessable for Florida citrus covered under the order.

[61 FR 38355, July 24, 1996]

**Subpart—Grade and Size Requirements**

**§905.306 Orange, Grapefruit, Tangerine and Tangelo Regulation.**

(a) Except as otherwise provided in §905.601, during the period specified in column (2) of table I, no handler shall ship between the production area and any point outside thereof, in the 48 contiguous States and the District of Columbia of the United States, any variety of fruit listed in column (1) of such table unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) of this section) specified for such variety in columns (3) and (4) of such table.

TABLE I

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
ORANGES			
Early and midseason .....	01/29/90–08/19/90 .....	U.S. No. 1 Golden .....	2 $\frac{1}{16}$
.....	On and after 08/20/90 .....	U.S. No. 1 .....	2 $\frac{3}{16}$
Navel .....	On and after 12/7/81 .....	U.S. No. 1 Golden .....	2 $\frac{3}{16}$
Temple .....	On and after 12/7/81 .....	U.S. No. 1 .....	2 $\frac{3}{16}$
Valencia and other late type .....	05/06/91–09/22/91 .....	U.S. No. 1 Golden .....	2 $\frac{1}{16}$

TABLE I—Continued

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
GRAPEFRUIT	On and after 09/23/91 .....	U.S. No. 1 .....	2 <sup>9</sup> / <sub>16</sub>
Seeded, except red .....	On and after 9/01/94 .....	U.S. No. 1 .....	3–12/16
Seeded, red .....	On and after 9/01/94 .....	U.S. No. 1 .....	3–12/16
Seedless, red .....	11/13/95–11/10/96 .....	U.S. No. 1 .....	3–5/16
	11/11/96–11/9/97 .....	U.S. No. 1 .....	3–5/16
	On and after 11/10/97 .....	U.S. No. 1 .....	3–9/16
Seedless, except red .....	On and after 9/01/94 .....	U.S. No. 1 .....	3–9/16
TANGERINES			
Dancy .....	On and after 10/11/91 .....	U.S. No. 1 .....	2–4/16
Honey .....	March 23, 1992–08/23/92 .....	Florida No. 1 Golden .....	2 <sup>9</sup> / <sub>16</sub>
	On and after 8/24/92 .....	Florida No. 1 .....	2 <sup>9</sup> / <sub>16</sub>
Robinson .....	On and after 12/7/81 .....	U.S. No. 1 .....	2 <sup>4</sup> / <sub>16</sub>
Sunburst .....	On and after September 27, 1991 ..	U.S. No. 1 .....	2 <sup>4</sup> / <sub>16</sub>
TANGELOS			
Tangelos .....	On and After 12/7/81 .....	U.S. No. 1 .....	2 <sup>9</sup> / <sub>16</sub>

(b) Except as otherwise provided in § 905.601, during the period specified in column (2) of table II, no handler shall ship to any destination outside the 48 contiguous States and the District of Columbia of the United States any variety of fruit listed in column (1) of

such table unless such variety meets the applicable minimum grade and size (with tolerances for size as specified in paragraph (c) of this section) specified for such variety in columns (3) and (4) of such table.

TABLE II

Variety	Regulation period	Minimum grade	Minimum diameter (inches)
(1)	(2)	(3)	(4)
ORANGES			
Early and midseason .....	01/29/90–08/19/90 .....	U.S. No. 1 Golden .....	2 <sup>4</sup> / <sub>16</sub>
	On and after 08/20/90 .....	U.S. No. 1 .....	2 <sup>9</sup> / <sub>16</sub>
Navel .....	On and after 11/24/89 .....	U.S. No. 1 Golden .....	2 <sup>9</sup> / <sub>16</sub>
Temple .....	On and after 11/24/89 .....	U.S. No. 1 .....	2 <sup>9</sup> / <sub>16</sub>
Valencia and other late type: .....	March 23, 1992–9/27/92 .....	U.S. No. 1 .....	2 <sup>4</sup> / <sub>16</sub>
	On and after 9/28/92 .....	U.S. No. 1 .....	2 <sup>9</sup> / <sub>16</sub>
GRAPEFRUIT			
Seeded, except red .....	On and after 09/01/94 .....	U.S. No. 1 .....	3 <sup>9</sup> / <sub>16</sub>
Seeded, red .....	On and after 09/01/94 .....	U.S. No. 1 .....	3 <sup>9</sup> / <sub>16</sub>
Seedless, except red .....	On and after 09/01/94 .....	U.S. No. 1 .....	3 <sup>5</sup> / <sub>16</sub>
Seedless, red .....	On and after 09/01/94 .....	U.S. No. 1 .....	3 <sup>5</sup> / <sub>16</sub>
TANGERINES			
Dancy .....	On and after 12/7/81 .....	U.S. No. 1 .....	2 <sup>4</sup> / <sub>16</sub>
Honey .....	March 23, 1992–08/23/92 .....	Florida No. 1 Golden .....	2 <sup>9</sup> / <sub>16</sub>
	On and after 08/24/92 .....	Florida No. 1 .....	2 <sup>9</sup> / <sub>16</sub>
Robinson .....	On and after 11/24/89 .....	U.S. No. 1 .....	2 <sup>4</sup> / <sub>16</sub>
Sunburst .....	On and after September 27, 1991 ..	U.S. No. 1 .....	2 <sup>4</sup> / <sub>16</sub>
TANGELOS			
Tangelos .....	On and After 11/24/89 .....	U.S. No. 1 .....	2 <sup>9</sup> / <sub>16</sub>

<sup>1</sup> Florida No. 1 Golden grade for Honey tangerines means the same as provided in Rule No. 20–35.03 of the Regulation of the Florida Department of Citrus.

(c) *Size tolerances.* In the determination of minimum size as prescribed in tables I and II, the following tolerances are permitted (1) for *oranges*, as set forth in § 2851.1152 of the U.S. Standards for Grades of Florida Oranges and Tan-

gelos, except that such tolerances for other than navel and Temple oranges shall be based only on the oranges in the lot measuring 2<sup>1</sup>/<sub>16</sub> inches or smaller in diameter, and the tolerance for Honey tangerines shall be as specified

in §2851.1818 of the U.S. Standards for Grades of Florida Tangerines; (2) for *grapefruit*, as specified in §2851.761 of the U.S. Standards for Grades of Florida Grapefruit; (3) for *tangerines*, as specified in §2851.1818 of the U.S. Standards for Grades of Florida Tangerines; and (4) for *tangelos*, as set forth in §2851.1152 of the U.S. Standards for Grades of Florida Oranges and Tangelos.

(d) Terms used in the marketing order, including Improved No. 2 grade for grapefruit, when used herein, mean the same as is given to the terms in the order; Florida No. 1 grade for Honey tangerines means the same as provided in Rule No. 20-35.03 of the Regulations of the Florida Department of Citrus, and terms relating to grade, except Improved No. 2 grade for grapefruit, and diameter shall mean the same as is given to the terms in the U.S. Standards for Grades of Florida Oranges and Tangelos (7 CFR 2851.1140-2851.1180), the U.S. Standards for Grades of Florida Tangerines (7 CFR 2851.1810-2851.1835), or the U.S. Standards for Grades of Florida Grapefruit (7 CFR 2851.750-2851.784).

[46 FR 60171, Dec. 8, 1981]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §905.306, see the List of CFR Sections Affected in the Finding Aids section of this volume.

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .300 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the "List of CFR Sections Affected" in this volume.

### Subpart—Interpretative Rule

#### §905.400 Interpretation of certain provisions.

(a) In interpreting the provisions of paragraph (d) of §905.52, the limitation on shipment of any variety of fruit regulated pursuant to paragraph (a)(3) of that section, which was prepared for market during the effective period of such regulation, shall not be deemed to apply to shipment of such variety which was prepared for market incidentally as part of a lot packed for export and shipped following the period of regulation.

tally as part of a lot packed for export and shipped following the period of regulation.

(b) Prior to shipment of any variety of fruit so prepared, the handler shall provide the Citrus Administrative Committee or its designated agent a copy of the shipping manifest applicable to such shipment with a notation thereon that the fruit was packed incidentally as part of a lot packed for export.

[54 FR 46597, Nov. 6, 1989]

## PART 906—ORANGES AND GRAPEFRUIT GROWN IN LOWER RIO GRANDE VALLEY IN TEXAS

### Subpart—Order Regulating Handling

#### DEFINITIONS

Sec.	
906.1	Secretary.
906.2	Act.
906.3	Person.
906.4	Production area.
906.5	Fruit.
906.6	Handler.
906.7	Handle.
906.8	Producer.
906.9	Grade and size.
906.10	Pack.
906.11	Maturity.
906.12	Container.
906.13	Variety or varieties.
906.14	Committee.
906.15	Fiscal period.
906.16	District.

#### COMMITTEE

906.18	Establishment and membership.
906.19	Term of office.
906.20	Districts.
906.21	Redistricting.
906.22	Selection.
906.23	Nominations.
906.24	Failure to nominate.
906.25	Acceptance.
906.26	Vacancies.
906.27	Alternate members.
906.28	Procedure.
906.29	Expenses and compensation.
906.30	Powers.
906.31	Duties.

#### EXPENSES AND ASSESSMENTS

906.32	Expenses.
906.33	Budget.
906.34	Assessments.
906.35	Accounting.

#### RESEARCH AND DEVELOPMENT

906.37	Research and development.
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